

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY EC D.C.
05 MAY -9 PM 1:00

ROBERT H. DETROLIO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

JEFFERY YATES,

Plaintiff,

v.

CITY OF MEMPHIS, et al.,

Defendants.

NO. 04-2836 Ma/An

ORDER GRANTING MOTION TO AMEND COMPLAINT

Before the Court is Plaintiff's Motion to Amend Complaint filed on April 5, 2005. For the reasons set forth below, the Motion is **GRANTED**.

A pleading may be amended "only by leave of court . . . and leave shall be freely given when justice so requires." Fed. R. Civ. P. 15(a). "In deciding whether to allow an amendment, the court should consider the delay in filing, the lack of notice to the opposing party, bad faith by the moving party, repeated failure to cure deficiencies by previous amendments, undue prejudice to the opposing party, and futility of amendment." *Perkins v. Am. Elec. Power Fuel Supply, Inc.*, 246 F.3d 593, 605 (6th Cir. 2001). The Court can see no reason why the amendment should not be allowed.

Moreover, Defendants failed to file a response to the motion as required by Local Rule 7.2(a)(2). "Failure to timely respond to any motion, other than one requesting dismissal of a claim or action, may be deemed good grounds for granting the motion." Local Rule 7.2(a)(2). As such, for good cause shown and because Defendants did not respond to the Motion, the

Motion is **GRANTED**. Plaintiff shall file his amended Complaint within 15 days of entry of this Order.

IT IS SO ORDERED.


S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

Date: May 06, 2005



Notice of Distribution

This notice confirms a copy of the document docketed as number 19 in case 2:04-CV-02836 was distributed by fax, mail, or direct printing on May 9, 2005 to the parties listed.

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Honorable Samuel Mays
US DISTRICT COURT